



LEROY D. BACA, SHERIFF

**County of Los Angeles**  
**Sheriff's Department Headquarters**  
4700 Ramona Boulevard  
Monterey Park, California 91754-2169



November 22, 2005

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL OF CREATION OF AN ADMINISTRATIVE FEE FOR  
THE RELEASE OF SEIZED AND STORED FIREARMS  
(ALL DISTRICTS) (3 VOTES)**

**IT IS RECOMMENDED THAT YOUR BOARD AFTER THE PUBLIC HEARING:**

1. Adopt a resolution to create a \$54 administrative fee, to be effective immediately, for the release of properly seized, stored or impounded firearms by the Los Angeles County Sheriff's Department, pursuant to Penal Code Section 12021.3.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

On September 20, 2004, Assembly Bill 2431 was passed (2004 Chapter 602). The new law added procedural mandates for persons obtaining or disposing of firearms that are in the custody of a law enforcement agency or court. Specifically, the person would be required to apply to the California Department of Justice for a determination of their eligibility to possess a firearm. The law also authorizes a county to adopt a regulation, ordinance, or resolution setting fees to cover the costs of the seizure, storage, and return of a firearm to a licensed dealer or owner.

*A Tradition of Service*

Several classifications of Sheriff's Department personnel are involved in the processing of firearms, from the initial seizure and booking at a patrol station, to the storage and release from our Central Property and Evidence Warehouse. A detailed staffing and cost analysis determined the Department's cost was \$54 per gun, based upon the current salaries and employee benefits (attached). An administrative fee is necessary to recover this cost.

#### Implementation of Strategic Plan Goals

Creation of a firearm administrative fee supports Strategic Plan Goal Number 4, Fiscal Responsibility, by allowing the Department to fully recover its costs associated with the seizure, impoundment, and recovery of firearms.

#### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

Penal Code Section 12021.3 (attached) stipulates that, upon confirmation of eligibility by the Department of Justice of an owner to possess a firearm, a county may charge that person an administrative fee to cover the costs of the seizure, storage, and return of the firearm.

A public hearing is required pursuant to Government Code Section 66018, prior to the adoption of a new administrative fee. A notice of public hearing has been published by the Executive Office in accordance with Government Code Section 6062a, as required by Section 66018.

#### **FISCAL IMPACT/FINANCING**

An analysis of firearms evidence processing over a four-year period revealed that potentially 500 guns per year would be eligible for the administrative fee. A \$54 fee would yield additional revenue of approximately \$27,000 each year.

#### **IMPACT ON CURRENT SERVICES**

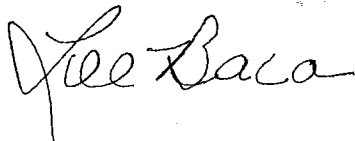
Approval of this action will enable the Sheriff's Department to fully recover personnel costs associated with the release of properly seized, stored, or impounded firearms.

Honorable Board of Supervisors  
November 22, 2005  
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**CONCLUSION**

Upon approval by your Board, please return an adopted copy of this action to the Sheriff's Department. The contact for this requested Board action is Director Glen Dragovich, Financial Programs Bureau, (323) 526-5232.

Sincerely,

A handwritten signature in cursive script that reads "Leroy D. Baca". The signature is written in dark ink and is positioned above the printed name.

LEROY D. BACA  
SHERIFF

**RESOLUTION**  
**OF THE BOARD OF SUPERVISORS OF**  
**THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA**  
**REGARDING THE CREATION OF AN ADMINISTRATIVE FEE FOR**  
**THE SEIZURE, STORAGE AND RELEASE OF FIREARMS**

WHEREAS, The Board of Supervisors of the County of Los Angeles is charged with providing vital services in the areas of courts, law enforcement, and adult and juvenile justice to a population in excess of ten million people; and

WHEREAS, California Penal Code Section 12021.3 provides that a county may impose a charge for the actual costs incurred in the seizure, storage and release of a firearm by a law enforcement agency or court; and

WHEREAS, these administrative costs may be waived by the county upon verifiable proof that the firearm was reported stolen at the time it came into the custody or control of a law enforcement agency; and

WHEREAS, a peace officer (including a deputy sheriff) as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the California Penal Code, or any regularly employed and salaried employee who is engaged in the enforcement of laws, and has the authority to seize, store and release firearms under various sections of the Penal Code; and

WHEREAS, the Sheriff's Department is able to collect the charge authorized by Penal Code Section 12021.3 at its station facilities twenty-four hours each day, and authorize the release of a seized and stored firearm during normal business hours; and

WHEREAS, the Sheriff's Department's administrative cost relating to the seizure, storage and release of these firearms has been determined to be \$54.00 for each firearm.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Los Angeles, pursuant to Penal Code Section 12021.3, hereby authorizes the creation of an administrative fee of \$54.00 for the release of a firearm, which was properly seized and stored by any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or any regularly employed and salaried employee of the County of Los Angeles, who is engaged in the seizure, storage or release of firearms.

ADOPTED by the Board of Supervisors of the County of Los Angeles on this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

VIOLET VARONA-LUKENS, Executive Officer  
Clerk of the Board of Supervisors of the  
County of Los Angeles

By: \_\_\_\_\_

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.  
COUNTY COUNSEL

BY: \_\_\_\_\_

*Paul Yoshinaga*  
PAUL YOSHINAGA  
PRINCIPAL DEPUTY COUNTY  
COUNSEL

**L.A. COUNTY SHERIFF'S DEPARTMENT  
ADMINISTRATIVE FEE - RELEASE OF FIREARMS  
FISCAL YEAR 2005-06**

ITEMS/RANK	ANNUAL SALARY W/TOP STEP VAR	PROD HRLY RATES	SWORN EMP. BENEFITS	NON-SWORN EMP. BENEFITS	HRLY RATES W/ EB
		1,764	49.819%	36.507%	
DEPUTY	\$69,288.00	\$39.28	\$19.57		\$58.85
EVIDENCE & PROP CUST. II	\$40,184.00	\$22.78		\$8.32	\$31.10
EVIDENCE & PROP CUST. III	\$42,391.00	\$24.03		\$8.77	\$32.80
INT. TYPIST CLERK	\$30,906.00	\$17.52		\$6.40	\$23.92
LAW ENFORCEMENT TECH	\$40,184.00	\$22.78		\$8.32	\$31.10
SH STATION CLERK II	\$36,726.00	\$20.82		\$7.60	\$28.42

**ACTIVITIES:  
STATION LEVEL**

RANK/ITEM	HRLY. RATES	NO. OF MIN. SPENT	COST
DEPUTY	\$58.85	20	\$19.62
SH STN CLK II	\$28.42	5	2.37
EPC II/LET	\$31.10	5	2.59
EPC II/LET	\$31.10	20	10.37
EPC II/LET	\$31.10	5	2.59
		<b>55</b>	<b>\$37.53</b>

**CENTRAL PROP. & EVIDENCE UNIT**

VERIFY INFORMATION UPON RECEIPT FR STN	EPC III	\$32.80	5	\$2.73
STORING OF FIREARMS	EPC III	\$32.80	5	2.73
ENTER INFORMATION TO DATA BASE/FILE DOC.	INT. TYP. CLK	\$23.92	5	1.99
VERIFY COURT/RLSE. TO OWNER, UPDATE REC.	EPC III	\$32.80	10	5.47
UPDATE EVIDENCE DATA BASE AND DOJ/AFS	INT. TYP. CLK	\$23.92	10	3.99
<b>CENTRAL PROP. &amp; EVIDENCE UNIT COSTS</b>			<b>35</b>	<b>\$16.91</b>

**ADMINISTRATIVE FEE - RELEASE OF FIREARMS**

**\$54.45**

[1] Salaries and employee benefits are based on fiscal year 2005-06 LECC study.

[2] Productive work hours and top step variance are for fiscal year 2005-06

[3] Calculations are based on information provided by the Manager of Central Prop. & Evi. Unit.

2 of 5 DOCUMENTS

DEERING'S CALIFORNIA CODES ANNOTATED  
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\*\*\* THIS DOCUMENT REFLECTS ALL URGENCY LEGISLATION ENACTED \*\*\*  
\*\*\* THROUGH 2005 CH. 45, APPROVED 7/11/2005 \*\*\*

PENAL CODE  
PART 4. Prevention of Crimes and Apprehension of Criminals  
TITLE 2. Control of Deadly Weapons  
CHAPTER 1. Firearms  
ARTICLE 2. Unlawful Carrying and Possession of Weapons

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

*Cal Pen Code § 12021.3 (2005)*

§ 12021.3. Obtaining possession of firearm in control of court or law enforcement agency

(a)(1) Any person who claims title to any firearm that is in the custody or control of a court or law enforcement agency and who wishes to have the firearm returned to him or her shall make application for a determination by the Department of Justice as to whether he or she is eligible to possess a firearm. The application shall include the following:

- (A) The applicant's name, date and place of birth, gender, telephone number, and complete address.
  - (B) Whether the applicant is a United States citizen. If the applicant is not a United States citizen, he or she shall also provide his or her country of citizenship and his or her alien registration or I-94 number.
  - (C) If the firearm is a handgun, the firearm's make, model, caliber, barrel length, handgun type, country of origin, and serial number.
  - (D) For residents of California, the applicant's valid California driver's license number or valid California identification card number issued by the Department of Motor Vehicles. For nonresidents of California, a copy of the applicant's military identification with orders indicating that the individual is stationed in California, or a copy of the applicant's valid driver's license from the state of residence, or a copy of the applicant's state identification card from the state of residence. Copies of the documents provided by non-California residents shall be notarized.
  - (E) The name of the court or law enforcement agency holding the firearm.
  - (F) The signature of the applicant and the date of signature.
  - (G) Any person furnishing a fictitious name or address or knowingly furnishing any incorrect information or knowingly omitting any information required to be provided for the application, including any notarized information pursuant to subparagraph (D) of paragraph (1) of subdivision (a) shall be guilty of a misdemeanor.
- (2) A person who owns a firearm that is in the custody of a court or law enforcement agency and who does not wish to obtain possession of the firearm, and the firearm is an otherwise legal firearm, and the person otherwise has right to title of the firearm, shall be entitled to sell or transfer title of the firearm to a licensed dealer as defined in Section 12071.
- (3) Any person furnishing a fictitious name or address, or knowingly furnishing any incorrect information or knowingly omitting any information required to be provided for the application, including any notarized information pursuant to

subparagraph (D) of paragraph (1) of subdivision (a) is punishable as a misdemeanor.

(b) No law enforcement agency or court that has taken custody of any firearm may return the firearm to any individual unless the following requirements are satisfied:

(1) That individual presents to the agency or court notification of a determination by the department pursuant to subdivision (e) that the person is eligible to possess firearms.

(2) If the agency or court has direct access to the Automated Firearms System, the agency or court has verified that the firearm is not listed as stolen pursuant to Section 11108, and that the firearm has been recorded in the Automated Firearms System in the name of the individual who seeks its return.

(3) If the firearm has been reported lost or stolen pursuant to Section 11108, a law enforcement agency shall notify the owner or person entitled to possession pursuant to Section 11108.5. However, that person shall provide proof of eligibility to possess a firearm pursuant to subdivision (e). Nothing in this subdivision shall prevent the local law enforcement agency from charging the rightful owner or person entitled to possession of the firearm the fees described in subdivision (j). However, individuals who are applying for a background check to retrieve a firearm that comes into the custody or control of the court or law enforcement agency pursuant to subdivision (a) shall be exempt from the fees in subdivision (c) provided that the court or agency determines the firearm was reported stolen to a law enforcement agency prior to the date the firearm came into custody or control of the court or law enforcement agency or within five business days of the firearm being stolen from its owner. The court or agency shall notify the Department of Justice of this fee exemption in a manner prescribed by the department.

(c) The Department of Justice shall establish a fee of twenty dollars (\$ 20) per request for return of a firearm, plus a three-dollar (\$ 3) charge for each additional handgun being processed as part of the request to return a firearm, to cover its costs for processing firearm clearance determinations submitted pursuant to this section. The fees shall be deposited into the Dealers' Record of Sale Special Account. The department may increase the fee by using the California Consumer Price Index as compiled and reported by the California Department of Industrial Relations to determine an annual rate of increase. Any fee increase shall be rounded to the nearest dollar.

(d) When the Department of Justice receives a completed application pursuant to subdivision (a) accompanied with the fee required pursuant to subdivision (c), it shall conduct an eligibility check of the applicant to determine whether the applicant is eligible to possess firearms.

(e)(1) If the department determines that the applicant is eligible to possess the firearm, the department shall provide the applicant with written notification that includes the following:

(A) The identity of the applicant.

(B) A statement that the applicant is eligible to possess a firearm.

(C) If the firearm is a handgun, a description of the handgun by make, model, and serial number.

(2) If the firearm is a handgun, the department shall enter a record of the handgun into the Automated Firearms System.

(3) The department shall have 30 days from the date of receipt to complete the background check unless delayed by circumstances beyond the control of the department. The applicant may contact the department to inquire about the reason for the delay.

(f) If the department denies the application, and the firearm is an otherwise legal firearm, the department shall notify the applicant of the denial and provide a form for the applicant to use to sell or transfer the firearm to a licensed dealer as defined in Section 12071. The applicant may contact the department to inquire about the reason for the denial.

(g) Notwithstanding any other provision of law, no law enforcement agency or court shall be required to retain a firearm



for more than 180 days after the owner of the firearm has been notified by the court or law enforcement agency that the firearm has been made available for return. An unclaimed firearm may be disposed of after the 180-day period has expired.

(h) Notwithstanding Section 11106, the department may retain personal information about an applicant in connection with a claim for a firearm that is not a handgun to allow for law enforcement confirmation of compliance with this section. The information retained may include personal identifying information regarding the individual applying for the clearance, but may not include information that identifies any particular firearm that is not a handgun.

(i)(1) If a local law enforcement agency determines that the applicant is the legal owner of any firearm deposited with the local law enforcement agency and is prohibited from possessing any firearm and the firearm is an otherwise legal firearm, the applicant shall be entitled to sell or transfer the firearm to a licensed dealer as defined in Section 12071.

(2) If the firearm has been lost or stolen, the firearm shall be restored to the lawful owner pursuant to Section 11108.5 upon his or her identification of the firearm and proof of ownership, and proof of eligibility to possess a firearm pursuant to subdivision (e). Nothing in this subdivision shall prevent the local law enforcement agency from charging the rightful owner of the firearm the fees described in subdivision (j).

(3) Subdivision (a) of Section 12070 shall not apply to deliveries, transfers, or returns of firearms made by a court or a local law enforcement agency pursuant to this section.

(4) Subdivision (d) of Section 12072 shall not apply to deliveries, transfers, or returns of firearms made pursuant to this section.

(j)(1) A city, county, or city and county, or a state agency may adopt a regulation, ordinance, or resolution imposing a charge equal to its administrative costs relating to the seizure, impounding, storage, or release of firearms. The fees shall not exceed the actual costs incurred for the expenses directly related to taking possession of a firearm, storing the firearm, and surrendering possession of the firearm to a licensed firearms dealer or to the owner. Those administrative costs may be waived by the local or state agency upon verifiable proof that the firearm was reported stolen at the time the firearm came into the custody or control of the law enforcement agency.

(2) The following apply to any charges imposed for administrative costs pursuant to this subdivision:

(A) The charges shall only be imposed on the person claiming title to the firearms.

(B) Any charges shall be collected by the local or state authority only from the person claiming title to the firearm.

(C) The charges shall be in addition to any other charges authorized or imposed pursuant to this code.

(D) No charge may be imposed for any hearing or appeal relating to the removal, impound, storage, or release of a firearm unless that hearing or appeal was requested in writing by the legal owner of the firearm. In addition, the charge may be imposed only upon the person requesting that hearing or appeal.

(3) No costs for any hearing or appeal related to the release of a firearm shall be charged to the legal owner who redeems the firearm unless the legal owner voluntarily requests the post storage hearing or appeal. No city, county, city and county, or state agency shall require a legal owner to request a post storage hearing as a requirement for release of the firearm to the legal owner.

#### **HISTORY:**

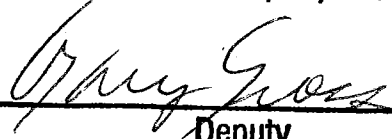
Added Stats 2004 ch 602 § 1 (AB 2431).

#### **NOTES:**

Former Sections:

Former § 12021.3, similar to *Pen C § 12021*, was added Stats 1994 ch 820 § 4 and repealed Stats 1995 ch 178 § 2.

**NOTICE OF PUBLIC HEARING  
PROPOSED CREATION OF ADMINISTRATIVE FEE  
SHERIFF'S DEPARTMENT**

BY   
Deputy

Notice is hereby given that a public hearing will be held by the Board of Supervisors of the County of Los Angeles, regarding the creation of an administrative fee of \$54.00 for the release of firearms seized, stored or impounded by the Sheriff's Department, pursuant to Penal Code Section 12021.3. The purpose of this recommendation is to fully recover the costs associated with the seizure, impoundment and recovery of firearms, as permitted by law.

Said hearing will be held on November 22, 2005, in the Hearing Room of the Board of Supervisors, Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue), Los Angeles, California 90012.

The Board of Supervisors will consider and may adopt the administrative fee. Further notice is given that the Board of Supervisors may continue this hearing from time to time.

Written comments may be sent to the Executive Office of the Board of Supervisors at the above address. If you do not understand this notice or need more information, please call (323) 526-5210. Para informacion en español, por favor llame al telefono (323) 526-5210.

**VIOLET VARONA-LUKENS**  
Executive Officer-Clerk of  
The Board of Supervisors